

Plaintiff,

-against-

TANIA EICOFF and RICHARD EICOFF,

Defendants.

04 CV 2734 (ARR)

NOT FOR
PUBLICATION

OPINION AND ORDER

X

ROSS, United States District Judge:

The court has received the Report and Recommendation on the instant case dated October 20, 2005 from the Honorable Kiyo A. Matsumoto, United States Magistrate Judge. No objections have been filed. Having conducted a de novo review of the record, the court hereby adopts the Report and Recommendation, in its entirety, as the opinion of the court pursuant to 28 U.S.C. § 636(b)(1). Accordingly, plaintiff's motion for default judgment is denied, defendant's motion to set aside entry of default is granted, and plaintiff's request for sanctions is denied. The court also notes that, as per the Report and Recommendation, defendants are permitted to file their answer within fifteen (15) business days of the date of the Report and Recommendation. SO ORDERED.

Allyne R. Ross
United States District Judge

Dated: November 7, 2005
Brooklyn, New York

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cc: Magistrate Kiyo A. Matsumoto